

**BOARD OF GAME AND INLAND FISHERIES MEETING MINUTES
ARMADA/HOFFLER TOWN CENTER BUILDING
222 CENTRAL PARK AVENUE, SUITE 2100
VIRGINIA BEACH, VIRGINIA**

OCTOBER 21, 2004, 9:00 a.m.

PRESENT: Daniel A. Hoffler, Chairman, C. Marshall Davison, John W. Montgomery, Jr., Will McNeely, Sherry S. Crumley, Randy J. Kozuch, Charles S. Yates, Cecil T. Campbell, James W. Hazel; **ABSENT:** Richard E. Railey, Jr., funeral, Jack T. Shoosmith, personal illness; **DIRECTOR:** William L. Woodfin, Jr.; **SENIOR STAFF:** Raymond E. Davis, Charlie Sledd, Terry Bradbery, Jeff Uerz, Bob Duncan, Gary Martel, David Whitehurst

Chairman Hoffler called the meeting to order at 9:00 a.m. He welcomed everyone to the Armada/Hoffler Town Center and requested Jeff Uerz to lead the Pledge of Allegiance to the Flag. He indicated that the agenda for this meeting focused on strategic planning.

1. Closed Session: At 9:05 a.m. in open session, **Ms. Crumley moved, seconded by Mr. Davison, passed unanimously (ayes Crumley, Davison, Montgomery, McNeely, Kozuch, Yates, Campbell and Hazel) that the Board convene a closed session pursuant to § 2.2-3711.A.1 of the Code of Virginia for discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees or employees of the Department of Game and Inland Fisheries specially regarding the Director's annual performance plan.**

At 10:15 a.m., **Ms. Crumley certified, seconded by Mr. Campbell, passed unanimously (ayes Crumley, Davison, Montgomery, McNeely, Kozuch, Yates, Campbell and Hazel) that whereas the Board of Game and Inland Fisheries had convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act, and whereas § 2.2-3712.D of the Code requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law; now, therefore, be it resolved, that the Board of Game and Inland Fisheries hereby certifies that (i) to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.**

2. Minutes of August 19, 2004 Meeting: Mr. Hoffler confirmed that the minutes of the August 19, 2004 meeting had been posted on the Department's Web Site and added that copies of the draft minutes were included in each Board member's briefing materials package. He called for any additions or corrections to the minutes. As there were none, **Mr. Montgomery moved, seconded by Mr. Campbell, passed unanimously (ayes: Montgomery, Campbell, Davison, McNeely, Crumley, Kozuch, Yates, Hazel) to approve the minutes as written.**

3. Overview of Agency's Divisional Programs/Activities: Ray Davis, Chief Financial Officer and Director of the Administrative Services Division reviewed the organizational chart for senior staff and presented an overview of the responsibilities of the Administrative Services Division. Responsibilities assigned to and performed by the Administrative Services Division include boat registration and titling, fiscal accounting, general license accounting, technology planning and development, capital outlay, procurement and human resources.

Gary Martel, Fisheries Division Director, reviewed the responsibilities of the Fisheries Division, which manages a diverse fisheries resource that provides recreational angling opportunities, conducts habitat improvement, provides technical assistance to insure a healthy freshwater fisheries population, manages the angler recognition program, and works to restore fish populations. The Division's biologists conduct scientific studies and creel surveys to gather information on the fisheries resource and constituent preferences. Management surveys are used to develop regulation proposals. The Division works to insure public access via fishing piers, boat ramps and shoreline access. Virginia has 2800 miles of trout waters, which include 2300 miles of wild trout waters. It also manages the state's warmwater streams, small water impoundments and lakes. The Department owns 37 bodies of water within the Commonwealth. The Division has nine hatcheries (five coldwater and four warm water facilities). The King and Queen facility is undergoing a major renovation and is currently not in operation. The Vic Thomas Hatchery at Brookneal was recently renovated and is now considered a state-of-the-art facility. Two federally owned hatcheries will eventually be transferred to the Department.

A survey of the Department's fish hatcheries was conducted by Fish Pro, and that survey serves as the guideline for the restoration of the Department's fish hatcheries.

Bob Duncan, Wildlife Division Director, presented an overview of the Division's responsibilities and programs, which include conservation management and restoration of species, habitat development on private and public lands, safe use of the resource, management area rules, safe access to facilities, season lengths and methods of take, and staying abreast of all wildlife diseases that pose threats to Virginia's wildlife populations. The Division oversees 34 wildlife management areas that include 194,000 acres where the habitat is managed to benefit wildlife populations. The wildlife management areas provide hunting, fishing, hiking and wildlife watching opportunities for the citizens of the Commonwealth. The Thompson Wildlife Management Areas is nationally recognized for its wildflowers. Shooting (sighting-in) ranges are located on six wildlife management areas. Boat ramps are also placed on these lands. Division staff also provides wildlife education programs to schools and the general public.

Department staff is working with State Parks to open their lands to additional hunting opportunities.

Research surveys are conducted to insure that regulations are based on sound science and to negotiate seasonal opportunities with the U. S. Fish and Wildlife Service.

Technical assistance is provided to landowners for habitat management, and staff works to provide additional access on both public and private lands. The Department is also increasing its habitat management efforts on department-owned lands.

Technology is utilized to improve services to constituents, i.e., the automated harvest reporting system. Tools such as the deer management assistance program (DMAP) are used to improve white-tail deer quality.

David Whitehurst, Wildlife Diversity Division Director, presented an overview of that Division's responsibilities, which focus on nongame and endangered species. In concert with other divisions, its wildlife information and mapping program provides information on available opportunities for people to enjoy and value wildlife through wildlife viewing programs and promoting safety for people and property. Staff conducts and oversees research to improve the ability to protect wildlife as well as providing technical assistance to landowners. Outreach education programs are also offered.

Its Environmental Services section coordinates the agency's responses to proposed projects that could impact wildlife populations. The Division works with other state agencies in this process.

The Wildlife Information, Management and Geographical mapping Section maintains a computerized program for the state's wildlife populations.

The Watchable Wildlife Program just recently completed the first statewide birding and wildlife trail. The Virginia Department of Transportation provided over \$1.1 million to help fund this project. The Division of Tourism was also a major partner in this effort.

The Division is also coordinating the Virginia Wildlife Comprehensive Plan that is a requirement of Congress.

Terry Bradbery discussed the responsibilities of the Law Enforcement Division that is comprised of 200 employees (192 sworn positions, with 184 filled positions, including the 17 recruits in training).

The Law Enforcement Division has three areas of responsibility: enforcement, education and training and emergency services. Game wardens are sworn officers with all general law enforcement authorities. They are law enforcement specialists with a focus on statewide enforcement of hunting, fishing, boating and wildlife related laws and regulations. Officers investigate accidents.

The Division has some special investigation units to assist officers at the local level. They provide saturation patrols where needed, conduct surveillance operations where needed, and conduct investigations of hunting and boating fatalities and other special operations as required.

The Division just recently opened its own training academy that is located in Richmond and is certified by the Criminal Justice Academy to provide basic game warden training. Academy training focuses on the expertise required for wildlife, fishing and boating enforcement rather than requiring the officer to spend time in training that is not necessarily needed to enforce game laws. An example provided was that in the Criminal Justice Academy, game wardens were required to spend time learning to investigate automobile accidents. This is not a skill that is

required for their day-to-day duties as a game warden, but they do need to know how to investigate a boat accident (training that is not provided by the Criminal Justice Academy). Therefore, upon graduation from the Criminal Justice Academy, wardens have to spend additional time training in the field under another game warden to learn skills needed for their specific jobs. Hence, the Department's academy enables officers to be better trained for the job and gets them into the field sooner and better prepared to perform their duties. Training can also be provided by the Department on an as-needed basis, rather than having to wait for the Criminal Justice Academy to provide a class.

The Division also provides hunter/outdoors education programs, the Women in the Outdoors Program, fishing and family educational opportunities.

The Law Enforcement Division offers the only statewide law enforcement presence on the waters of the Commonwealth. These officers provide search and rescue services and have a scuba dive team that is responsible for evidence and victim recovery. Also, since 911, the Department's homeland security responsibilities have increased significantly. Urban gang activity enforcement now falls under the responsibility areas for the Division, and officers have also been encouraged to be watchful of extremists and/or terrorist activities in the remote areas of the state where they traditionally conduct their patrols. The Law Enforcement Division is also a member of the U. S. Marshall Services Western Virginia Fugitive Task Force.

Charlie Sledd, Program Development Director for the Communications and Information Division discussed the Department's work in video production, the development of teaching tools, electronic communication via the Web Site, the Virginia Wildlife magazine, production of the annual hunting and fishing law digests, media relations, boating safety education programs, boat accident data management, permits section, regulation coordination and the grants acquisition function.

Chairman Hoffler called for a break at 11:30 a.m. and the meeting reconvened at 11:40 a.m.

Public Comment, Non-agenda items: Although the announced agenda for the meeting did not include this opportunity, upon requests from the public present, Chairman Hoffler open the floor to those desiring to comment on topics not included in the announced meeting agenda.

Eugene Colbert asked for more land-based fishing opportunities in the Tidewater area. He was advised that the Virginia Marine Resources Commission is charged with providing saltwater fishing opportunities, and he was requested to provide his contact information to Department staff so that it can be shared with that state agency.

Dwayne Preston, Ivor, Virginia requested the Board to take action that would allow muzzleloader rifles for hunting in Southampton County during sanctioned seasons. Southampton County has a local ordinance that prohibits the use of a muzzleloader rifle for hunting in the County.

Bill Kemp, Virginia Beach. Mr. Kemp stated that he owns property in Southampton County, and he commended the local game wardens for the work they do.

Mike Lane, Suffolk, Virginia: On behalf of the Suffolk/Nansemond Chapter of the Izaak Walton League, Mr. Lane shared his concerns for the impact caused by road construction on wildlife and wildlife movement. The Chapter asked for more Department of Game and Inland Fisheries involvement with the Virginia Department of Transportation in planning highway construction projects to take wildlife needs into consideration. He also encouraged increased efforts for the Department to acquire wetlands and wildlife management area lands, particularly in the Route 460 area from Suffolk to Petersburg. He suggested also that the Virginia Wildlife Foundation look for opportunities to use TEA-21 grant funds to acquire more lands for public hunting.

4. Strategic Discussion: Ray Davis presented the history of enabling legislation in 1994 that dedicated the 2% watercraft sales and use tax to the Department. These funds are used for boating law enforcement, boating education and recreation and boating access. Between 1996 and 1998, the Department received 50% of the funds. In 1999, it received 75% of the generated revenue, and 100% in 2000. However, during the state's recent budget crisis, funds from this source were diverted to the general fund to address the budget deficit. In 2002 the Department received \$1.8 million of the generated \$5.8 million and in 2004, it received \$2.6 million of the generated \$6.5 million. Currently, it is projected that the Department will receive \$2.6 million of \$6.5 million. As a result of the budget adjustment, the Department has eliminated its efforts to provide 10 boating access facilities annually unless federal and local matching funds are available. Also, law enforcement presence on state waters is not at the level provided when the agency received these funds. Because most of the agency's part-time employees were eliminated as a result of the reduction in funds, the evening shift utilized to process boat registration and titling applications was eliminated. Temporary operating certificates are now issued to give available staff the time needed to process the paperwork required to issue boat titles. The boating education program efforts were also decreased

Through the Office of the Secretary of Natural Resources, a budget amendment is being advanced to restore these funds to the Department. The Board was requested to lend its support to the restoration of these funds to the Department in FY '05-'06.

Mr. Davis indicated that the Department knows of several large tracts of land available for possible acquisition. He reviewed the history of HB 38 funds that are derived from a portion of the sales tax charged on outdoors-related recreational equipment. During FY '03-'04, the Department did not receive all of the generated funds because of the state's budget crisis. Currently, the Department receives all of the HB 38 funds due under the funding formula. Now that the state's revenue picture has improved, the Department will seek to have lost funds restored in order to purchase lands on a case-by-case basis.

Mr. Hazel moved, seconded by Ms. Crumley, passed unanimously (ayes Hazel, Crumley, Davison, Montgomery, McNeely, Kozuch, Yates, Campbell) that the Board endorse the proposed strategy to have watercraft sales and use taxes revenue fully restored for the Department's use and that creative funding measures be implemented for land acquisition purposes.

Charlie Sledd reviewed HB 301, enacted by the 2004 General Assembly session that gives the Board the authority to revise license fees for hunting and fishing and boat registration and titling fees through the promulgation of regulations. Fee adjustments are restricted to no more than \$5.00 and are limited to no more than once every three years.

At the March 2005 meeting, Board members will begin the regulation change cycle by hearing recommendations from citizens and staff for regulation changes and fee adjustments. Following that meeting, comments will be heard from constituent groups and the public and based on input received, regulation proposals will be developed for presentation to the Board at its August 2005 meeting. Mr. Sledd suggested utilizing a third part to develop any recommendations for the revision of fees. He requested Board members to provide any specifics they wished to include in the fee revision process that will assist them in making their decision regarding this process. Hunting and fishing license fees have not been revised since 1988.

Board members encouraged staff to consider whether other revenue sources would be placed in jeopardy if license fees were revised, to estimate the revenue that would be generated over a three year period at the various allowed increments, and what it will take to continue operations.

Mr. Montgomery moved, seconded by Mr. Campbell, passed unanimously (ayes Montgomery, Campbell, Davison, McNeely, Crumley, Kozuch, Yates and Hazel) that staff proceed with the proposed strategy to consider any fee revisions as allowed by HB 301.

Charlie Sledd reviewed the recent history of the General Assembly's consideration of some form of Sunday hunting in Virginia. Nearly all past efforts have been unsuccessful. He also referenced HB 38 survey results on Sunday hunting as well as the Virginia Deer Hunters Survey results on the topic which indicate that 78% of the landowners oppose hunting on Sunday. He presented the pros and cons and indicated that surveys show that the public is equally split on the issue. Also, the Board has approved a resolution agreeing that Sunday hunting is an issue that should remain with the state's legislature.

Suggestions offered for the Board's consideration included: the General Assembly enacting some form of Sunday hunting with a three-year enactment clause and to require an additional license for Sunday hunting. The Board declined to take any additional action on Sunday hunting.

In recognition of all that he did prior to being appointed to the Board to identify lands for the Department to lease to provide additional hunting opportunities, Bob Duncan presented an access license to Mr. Yates.

5. Board Meeting Dates: Because of the importance of the March 2005 Board meeting, and since some Board members discovered a conflict with the scheduled March 31, 2005 date, it was suggested that the Board amend its 2005 approved meeting scheduled. **Ms. Crumley moved, seconded by Mr. Campbell, passed unanimously (ayes Crumley, Campbell, Davison, Montgomery, McNeely, Kozuch, Yates, and Hazel) to change the Board meeting date in March 2005 from the 31st to the 24th.** The amended Board meeting schedule for 2005 is: March 24, June 23, August 18 and October 27.

Adjournment: As there was no further business, the meeting was adjourned by the Chairman at 1:15 p.m.

Respectfully submitted,

Belle Harding
Secretary to the Director